

Emergency Rule
LSA Document #22-390(E)

DIGEST

Temporarily adds provisions to implement [IC 27-10-2-4.5](#) regarding the regulation of charitable bail organizations. Statutory authority: [IC 27-10-2-4.6](#). Effective December 25, 2022.

SECTION 1. The definitions set forth in [IC 27-10-2-4.5](#) apply throughout this document.

SECTION 2. (a) A charitable bail organization may not engage in business in Indiana without first obtaining certification from the department.

(b) To obtain certification, a charitable bail organization shall submit an application for certification. The application shall be on a form prescribed by the department. The application shall be completed and submitted along with the following information:

- (1) A copy of the applicant's trust instrument, corporate charter, articles of incorporation, or other written instrument by which the applicant is created under state law.**
- (2) Evidence of the applicant's tax-exempt status pursuant to Internal Revenue Code Section 501(c)(3).**
- (3) Evidence that the applicant is registered as a charity.**
- (4) The attestation of the officer, director, trustee, or executive personnel listed in the application.**
- (5) The charitable bail organization child support obligation form.**

SECTION 3. (a) A charitable bail organization shall be deemed to be soliciting business in violation of [IC 27-10-2-4.5](#) if the charitable bail organization, while present in any:

- (1) jail;**
- (2) sheriff's office;**
- (3) constable's office;**
- (4) police station;**
- (5) courthouse; or**
- (6) courtroom;**

without invitation, speaks with, approaches, or communicates with, in writing or otherwise, any person, with the intent to solicit bail business.

(b) Nothing in this document prevents a charitable bail organization from being in and around a:

- (1) jail;**
- (2) sheriff's office;**
- (3) constable's office;**
- (4) police station;**
- (5) courthouse; or**
- (6) courtroom;**

when called there by a client or for the purpose of seeing that the defendants on whom the charitable bail organization have provided cash bail are present.

SECTION 4. Every charitable bail organization shall conduct the organization's business in such a manner that the public and those dealing with the organization shall be aware of the capacity in which the organization is acting. No charitable bail organization shall misrepresent their authority.

SECTION 5. No charitable bail organization shall give, directly or indirectly, any gifts of any kind to any of the following:

- (1) A public official.**
- (2) An employee of any government agency.**
- (3) A prisoner in any jail or place of detention.**

This SECTION shall not prevent the customary giving of gifts to relatives by blood or marriage.

SECTION 6. (a) Every charitable bail organization shall keep complete records of all business done under the authority of the charitable bail organization's certificate. All records kept by the charitable bail organization, including all documents and copies thereof, shall be open to inspection or examination by

the commissioner or his or her representatives at all reasonable times at the principal place of business of the charitable bail organization designated in the charitable bail organization's certificate.

(b) The records for each cash bail executed shall include, but not be limited to, the following:

(1) The original application for cash bail from the charitable bail organization.

(2) The charitable bail organization's name.

(3) The receiving person.

(4) Complete accounting records, including disbursements.

SECTION 7. This document expires March 25, 2023.

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